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ART UNIT	**PAPER NUMBER**
3623	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/577,658	OWEN ET AL.	
	Examiner	Art Unit	
	Jonathan G. Sterrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 22 September 2005.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 2-6,9-11,23,27 and 29-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 2-6, 9-11, 23, 27, 29-32 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Summary

1. This **Final Office Action** is responsive to applicant's amendment filed September 22, 2005. Currently **Claims 2-6, 9-11, 23, 27 and 29-32** are pending.

Response to Amendments

2. The rejection of Claims under 35 USC 101 has been withdrawn. The objections to the Drawings and the Specification have been withdrawn.

Response to Arguments

3. The applicant's arguments have been fully considered regarding **Claims 2-6, 9-11, 23, 27 and 29-32**, but they are not persuasive.

4. The applicant argues that the types of data (i.e. proactive, reactive and target information) as disclosed in Claims 27, 29 and 30 provides functionality to the claim.

Although the 101 rejection has been withdrawn (because of a recent court decision), the description or labels of data that is stored in a database does not make the claims patentable. As it is currently claimed, this descriptive material only describes the data that is being stored in the database. For example, if John Smith is a reactive contact and John Doe is a proactive contact, both John Smith and John Doe are going to have contact information stored in a database. Naming the different contact types as they are stored does not add patentable weight – databases have a plethora of fields exactly for this kind of nomenclature – it is not patentable. The distinction of storing contact information in one database or two or three databases, also does not patentably differentiate the claims over the prior art. If, for example, the software claimed

provided a different set of directions for the contacts stored under 'proactive' than those stored under 'reactive', then the labels are providing functionality. If the labels were used to prioritize sales calls or to set in motion specific activities that were claimed, then there is a connection between the labeling of the data and the directions provided by the software for its use; in this case then, the labels become more than non functional descriptive material.

5. The applicant asserts that the functionality "reports based on quality and class of contacts" provided by the amended claims distinguishes the claims over the prior art.

The examiner respectfully disagrees. Metzler teaches tracking sales contacts and providing reports (paragraph 9). Metzler further teaches that the system can classify contacts according to quality (A-D) and class of contacts (Para 6 teaches classifying the contacts being entered into the database).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claim 27** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 27 cites the limitation of providing a report that maximizes revenue by categorizing how customers should be contacted and it what

order. This limitation is not supported by the specification. The specification does not discuss maximization of revenue through scheduling of contacts. The use of the word maximization means that the sales process will result in a highest possible sales revenue. Maximization also means that the point of maximization is defined mathematically, i.e. algorithms or heuristics cannot maximize, but rather are termed in the art as providing a 'good solution' or 'acceptable solution'.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]) in view of Zarowitz et al. (Zarowitz et al., Using Technology to Maximize Marketing Opportunity: PR Management for the 21st Century, Public Relations Tactics, New York, Vol. 5, Issue 11, November 1998, page 18 [PROQUEST]). Metzler teaches receiving, storing, associating and producing a report of customer contact information,. but does not expressly teach the specific data recited in claims 29; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural

elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.* Metzler discloses a system and method for managing customer contacts and related information comprising:

- **[Claim 29]** receiving customer contact information related to a customer contact from the sales representative via a graphical user interface ("GUI") displayed on a computer executing a software application and coupled to a plurality of databases, including information related to the quality of the customer contact, the quality of the contact being indicated by one of a set of specific guidelines required by the software application indicating the value of the contact to the sales representatives including: an indication of whether the contact with the particular entity is for post-sale maintenance and an indication of whether the contact with the particular entity is for furthering future sales opportunities that lead to additional business (Metzler: Para 3, and 11-14, Metzler teaches Contact management software gives us the "how to" of getting from the marketing process through the sales process to closing opportunities. It aids us in the process of defining "suspects" and turning them into "prospects", and then turning them into clients. A practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm's needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated (i.e. classified) such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client. Para 16 teaches a GUI (i.e. pop up windows are a GUI.) The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact and is a

considered a "quality contact" as opposed to a routine contact, and the rating of the prospects is interpreted to indicate future sales opportunities.);

- receiving customer contact information related to a customer contact from the sales representative related to the classification of the contact where information concerning the quality of the contact has also been received about the particular entity, the class of the contact being indicated by a set of specific guidelines required by the software application including an indication of whether the contact with the particular entity is a reactive contact, a contact requiring a proactive sales effort or a target contact where customers classified as reactive are those that initiated the contact with the sales representative, where customers classified as proactive are those where a sales representative initiated the contact with the customer and targets which are customers with no known relationship with the company but may be interested in services of the company (Metzler: Para 3, and 11-14, Metzler teaches Contact management software gives us the "how to" of getting from the marketing process through the sales process to closing opportunities. It aids us in the process of defining "suspects" and turning them into "prospects", and then turning them into clients. A practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm's needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client. Para 5 teaches that the various classes are dictated by the software application (i.e. clients, nonclients and contacts). The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact and is a considered a "quality contact" as opposed to a routine contact, and the rating of the prospects is interpreted to indicate future sales opportunities.);

- storing the customer contact information in the plurality of databases wherein at least one database is a proactive contact database containing proactive contact information, at least one database is a reactive contact database containing reactive contact information and at least one database is a target contact database containing target contact information, wherein further the proactive information, reactive information and target information is

associated with the particular entity by the software application; (Para 5, Metzler teaches contact management software places all clients, non-clients, and contacts into a database. The terms reactive, proactive and target information are deemed nondescriptive functional material and add no patentable weight to the claim.);

- associating the sales representative with the customer contact information received in each of the plurality of databases by the software application (Para 6, Metzler teaches the practitioner devises a personal contact list, and as discussed above, stores the information into a database. Having more than one database to store contact information does not distinguish the claim over the prior art since the functional aspect of storing the information is the same whether its one or many databases. Para 4, Metzler teaches the software tool is used by employees to accountable to themselves. Since the individuals described by Metzler are using a contact database for themselves only, the contacts in the database are associated with that individual);
- producing a report via the GUI and a printout including at least some of the customer contact information associated with the sales representative (Para 9, Metzler teaches most contact management software involves a user definable relational database with integrated activity management and a very flexible report generator.);

Metzler fails to teach wherein the performance of the sales representative is determined by the contact quality and classification information associated with the sales representative. Zarowitz et al. teach contact management software empowers your staff to maximizing marketing opportunities and successes. The contact management software allows reports to be set up to track the progress of a project or employee's performance. The manager determines what data measures work efforts and successes. In a contact record client placements can be entered. The reporting function helps track placements, modify marketing strategies, and demonstrate accountability (Para 3 and 13). The examiner interprets client placement to be the quality of the customer contact and that an employee is a sales representative. It would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to include the determination of a sales representative performance of Zarowitz et al. with the teachings of Metzler because Metzler teaches it is old and well know in the contact management art to use contact management software as a firm-wide tool, with partners and other professionals accountable to a marketing director (Para 7). Employee responsibilities determine the boundaries for the employee's evaluations. Contact management software gives the marketing managers tools to measure work efforts and successes, therefore, allowing them to evaluate the sales representatives as related to their sales responsibilities including for classification and contact quality.

9. **Claims 27, 2-6, 9-11, 23, 28, and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]) and Zarowitz et al. (Zarowitz et al., Using Technology to Maximize Marketing Opportunity: PR Management for the 21st Century, Public Relations Tactics, New York, Vol. 5, Issue 11, November 1998, page 18 [PROQUEST]) in view of Kraft (Kraft, K., There's a Goldmine in Collections! Using Contact Management Software to Manage Your Collection Effort, Newspaper Financial Executives Quarterly, Reston, Vol. 3 Issue 4, Third Quarter 1997, pages 28-29 [PROQUEST]). Metzler and Zarowitz et al. teach receiving, storing, associating and producing a report of customer contact information including based on the contact and billing information, but does not expressly teach the specific data recited in claims 27 and 30; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the

recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.* Metzler and Zarowitz et al. disclose a system and method for managing customer contacts and related information comprising:

- **[Claim 27]** receiving a first item of contact information from one of a plurality of sales representatives via a graphical user interface ("GUI") displayed on a computer executing a software application (Zarowitz et al.: Para 15-16, Zarowitz et al. teaches contact management software where the software system can retrieve data from a user's Web site (i.e. via a graphical user interface displayed on a computer executing a software application) where someone visiting the Web site has entered their name, address, and so on, and create a contact record. The data is invaluable to the sales department. The examiner interprets sales department to include sales representatives.);

- storing the first item of contact information in at least one searchable database in communication with the computer and associating the first item of contact information with a particular entity (Metzler: Para 5, Metzler teaches contact management software places all clients, non-clients, and contacts into a database and associates all contact information, including the first item, with a particular entity, i.e. that specific contact.);

- receiving, via the GUI, and storing information in the at least one searchable database regarding the quality of one or more contacts with the particular entity, the quality of one or more contacts being indicated by one of a set of specific guidelines required by the software application indicating the value of the contact to the sales representatives, the set of guidelines including at least: an indication of whether the contact with the particular entity is for post-sale maintenance and an indication that a contact that furthered future sales opportunities that could lead to additional business (Metzler: Para 3, and 11-14, Metzler teaches Contact management software gives us the "how to" of getting from the marketing process through the sales process to closing opportunities. It aids us in the process of defining "suspects" and turning

them into "prospects", and then turning them into clients. A practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm's needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want (i.e. the fields specified by the software program provide for specific guidelines to be entered as to the value of the prospect). Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client. The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact where the rating of the prospects is interpreted to indicate a value of the contact to the sales representatives. As indicated above, the specific guidelines as to the quality contact is considered nonfunctional descriptive material. The Metzler system is configurable to display what the user wants to display.);

- receiving and storing information in the at least one searchable database regarding the classification of the same one or more contacts wherein information regarding quality was also received about the particular entity, the class of one or more contacts being indicated from a set of specific customer classes required by the software application including at least: a reactive contact, a contact requiring a proactive sales effort and a target contact where customers classified as reactive are those that initiated the contact with the sales representative, where customers classified as proactive are those where a sales representative initiated the contact with the customer and targets which are customers with no known relationship with the company but may be interested in services of the company (Metzler: Para 3, and 11-14, Metzler teaches Contact management software gives us the "how to" of getting from the marketing process through the sales process to closing opportunities. It aids us in the process of defining "suspects" and turning them into "prospects", and then turning them into clients. A practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm's needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables

the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Para 5 teaches that the various classes are dictated by the software application (i.e. clients, nonclients and contacts). Other fields include client interest such as sports, politics, or religion and important notes on the client. The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact where the type of contact is interpreted to indicate a classification of the contact. As indicated above, the specific guidelines as to the classification of the contact is considered nonfunctional descriptive material. The Metzler system is configurable to display what the user wants to display.);

- when a sales representative wishes to call on customers of a certain quality or classification, providing a report desired customers based on the associated quality, classification and billing information in the at least one searchable database via the GUI and a printout in a format indicating which particular entities should be contacted and in what order to maximize sales revenues based on the first contact, additional contact, quality and classification information associated with the particular entity. Metzler: Para 3, and 11-14, Metzler teaches Contact management software gives us the "how to" of getting from the marketing process through the sales process to closing opportunities. It aids us in the process of defining "suspects" and turning them into "prospects", and then turning them into clients. A practicing CPA should look for features such as the ability to use numerous user definable fields and to customize the titles within these fields to meet his firm's needs. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated (i.e. classified) such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time and this teaches which contacts should be approached, in what order, to maximize revenue, since the closing of sales opportunities results in revenue. Other fields include client interest such as sports, politics, or religion and important notes on the client. Para 16 teaches a GUI (i.e. pop up windows are a GUI.) The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact and is a considered a "quality contact" as opposed to a routine

> contact, and the rating of the prospects is interpreted to indicate future sales opportunities.);

Metzler and Zarowitz et al. fail to teach receiving billing information associated with the particular entity in the database for review by sales representatives and in automating sales calls to maximize revenue based on contact, quality and classification information in a database. Kraft teaches that many of the concepts in sales force automation, and contact management, also applied to collections. The first step was to create a file in the advertising billing system that was downloaded into the Goldmine database. The Goldmine customer contact screen was modified to display the information and an interface program was written to periodically download and update the information. The fields identified as being needed for the collection effort included customer name, account number, address, phone number, contact person, sales rep number, balance due, balance past due, the various aging buckets, credit limit, credit code, last sales amount, last sales date, last payment amount, and last payment date. The Goldmine customer contact screen was modified to display this information in a very user-friendly environment (Page 28, Col. 1 and 2). The Goldmine software application teaches that filters can be applied to the various contacts, classifications (i.e. how overdue) so that delinquent customers can be classified and grouped. Kraft teaches that the approach to collections by analyzing, filtering and reporting information in a database enables companies to minimize losses due to delinquent accounts by systematically processing the information in their collections database to formulate a strategy to go after those accounts. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the capability to review the billing system in relation

to the contact management system of Kraft with the teachings of Metzler and Zarowitz et al. because the teaching of Metzler teaches that it was old and well known in the contact management art to manage the marketing process through the sales process to close opportunities (Para 3). Marketing cost is an important factor in determining the profitability of the sales effort. Implementing the integrated link between the contact management software and the billing system would help reduce system redundancies, therefore, cost, and improved cash flow by reducing outstanding accounts receivables. Applying the systematic approach of Kraft regarding prioritizing delinquent customers by dollar amounts, contact information to the sales force automation teachings of Zarowitz and Metzler provides for maximizing sales revenue by using a targeted systematic approach for improving sales.

- **[Claim 2]** the first item of contact information is received through a website (Zarowitz et al.: Para 15-16, Zarowitz et al. teaches the contact management system can collect information from the Internet).
- **[Claim 3]** the first item of contact information, the contact quality and the contact classification is received from different sales representatives. (Zarowitz et al.: Para 7-8, Zarowitz et al. teaches a team that is sharing contact information and history using one database. Each person can see what your file says and what the rest of the team is saying.).
- **[Claim 4]** the first item of information, the contact quality and the contact classification are provided to a sales representative that did not provide any of the first item of information, the contact quality and contact classification information. (Zarowitz et al.: Para 7-8, Zarowitz et al. teaches a team that is sharing contact information and history using one database. Each person can see what your file says and what the rest of the team is saying.).
- **[Claim 5]** the entity is a business (Zarowitz et al.: Para 4, Zarowitz et al. teaches contact management software retrieves business-related information).
- **[Claim 6]** the first item of contact information is associated with a sales representative (Zarowitz et al.: Para 3 and 16, Zarowitz et al. teaches a

contact management system that can empower your staff to maximize marketing opportunities and successes. Data gathering could be invaluable to the sales department.).

- [**Claim 9**] the GUI and printout include a follow up list (Zarowitz et al.: Para 2 and 13, Zarowitz et al. teaches the contact management software allows you to set up reports to track the progress of a project and allows you to enter information to include when you scheduled follow-ups).

- [**Claim 10**] the follow up list is sorted chronologically (Zarowitz et al.: Para 6 and 11, Zarowitz et al. teaches the process can automatically populate the contact records to schedule a follow-up call. Advanced calendar and scheduling components are like a personal secretary in that they will remind the user to make those calls, meetings or deadlines. The examiner interprets scheduling to imply chronological order.).

- [**Claim 11**] sales representatives are automatically notified of appointed contacts (Kraft: Page 29, Col. 1, Para 1, Kraft teaches using the software features that schedule a reminder to call a customer back and then notifies you when its time to call).

- [**Claim 23**] sales representatives are automatically notified of appointed contacts (Kraft: Page 29, Col. 1, Para 1, Kraft teaches using the software features that schedule a reminder to call a customer back and then notifies you when its time to call).

- **[Claim 30]** a menu-driven interface portion displayed on a computer executing a software application and communicating with a plurality of sales representatives and adapted to send and receive information from the plurality of sales representatives (Zarowitz et al.: Para 5 and 7-8, Zarowitz et al. teach when you complete initial, follow-up calls, meetings, or other actions, one click automatically enters the information into the system's records. Contact management software, set up for the workgroup in mind, with one database allows you to work together in a virtual environment. Each person can see what your file says and what the rest of the team is saying. Inherently, one click implies a menu-driven interface.); and

- at least one database in communication with the menu-driven interface portion, the at least one database comprising memory and information in the memory, including contact information related to a customer and billing information associated with the customer for review by the sales representatives (Metzler: Para 5, Metzler teaches contact management software that places all our clients, non-clients, and contacts into a database. It gives you the road map for contacting them, so that you can sell them services or communicate with them. Kraft: Page 28, Col. 1 and 2, Kraft

teaches that many of the concepts in sales force automation, and contact management, also applied to collections. The first step was to create a file in the advertising billing system that was downloaded into the Goldmine database. The Goldmine customer contact screen was modified to display the information and an interface program was written to periodically download and update the information. The fields identified as being needed for the collection effort included customer name, account number, address, phone number, contact person, sales rep number, balance due, balance past due, the various aging buckets, credit limit, credit code, last sales amount, last sales date, last payment amount, and last payment date. The Goldmine customer contact screen was modified to display this information in a very user-friendly environment.),

- the software application permitting one of the plurality of sales representatives to store information related to the customer and another of the plurality of sales representatives to retrieve information in a report designed to direct sales force activity based on the contact and billing information (Zarowitz et al.: Para 7-8, Zarowitz et al. teach contact management software, set up for the workgroup in mind, with one database allows you to work together in a virtual environment. Each person can see what your file says and what the rest of the team is saying. Tracking the progress of a sales progress, as taught by Zarowitz, would direct the sales force to focus on areas where progress has not been made. Press mailings would include an address of the customer (i.e. a billing address), since customer contacts are in the database),

- the information stored in the at least one database being associated with a particular data module representing the quality and a second data module representing classification of customers, wherein the customers are classified by how contact with the customer has occurred, the classifications including at least reactive, proactive and target, where customers classified as reactive are those that initiated the contact with the sales representative, where customers classified as proactive are those where a sales representative initiated the contact with the customer and targets which are customers with no known relationship with the company but may be interested in services of the company, wherein further the quality of the customer is indicated by one of a set of specific guidelines indicating the value of the contact to the sales representatives including at least: an indication of whether the contact with the particular entity is for post-sale maintenance and an indication of whether the contact with the particular entity is for furthering future sales opportunities that lead to additional business (Zarowitz et al.: Para 15-16, Zarowitz et al. teaches the contact management system can automatically retrieve data from your Web site. Every time someone visits your site and enter their name, address, and so on, the software system can retrieve the information and

automatically create a contact record. This data gather could be invaluable to the marketing customers relations or sales department of an organization. For example, your contact management system can collect information from the Internet and group data according to various characteristics. Metzler: Para 5 and 11, Metzler teaches contact management software that places all our clients, non-clients, and contacts into a database. It gives you the road map for contacting them, so that you can sell them services or communicate with them. Once the CPA enters general contact information such as name, title, company, address, telephone and fax numbers, he then defines information that is considered to be critical to the development of business from that particular contact. The user designates the type of contact such as a contact, referral source, influencer, friend, vendor, or existing client. This field enables the user to sort all other data by this or any other field they want. Prospects are also rated such as A, B, C, or S where A denotes a hot prospect, C a cool prospect, and S being a suspect. This helps the company know their top five opportunities, at any time. Other fields include client interest such as sports, politics, or religion and important notes on the client. The Examiner interprets the marketing process as gathering information that is considered to be critical to the development of business from a particular contact where the type of contact is interpreted to indicate a classification of the contact and where the rating of the prospects is interpreted to indicate a value of the contact to the sales representatives. As indicated above, the specific guidelines as to the classification of the contact is considered nonfunctional descriptive material. The Metzler system is configurable to display what the user wants to display.).

10. **Claims 31 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzler (Metzler, J., Contact Managers Build a Database to Hike Sales, Accounting Today, Copyright Faulkner and Gray Inc., New York, Vol. 9, Issue 18, 9 October 1995, starting p. 22 [PROQUEST]) in view of Melchione et al. (U.S. Patent 5,930,764). As to claim 31, Metzler discloses a system and method for managing customer contacts and related information comprising storing information into a database (Para 5, Metzler teaches contact management software places all clients, non-clients, and contacts into a database) but fails to teach the information reflects that a particular entity desires not to be contacted in the future. Melchione et al. teach a

sales and marketing support system using a central customer information system (CCIS) database with the feature of a promotional suppression facility that provides information on customers and non-customers who do not wish to be contacted by telephone and/or mail (title, col. 9, lines 13-29). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the promotional suppression capability of Melchione et al. with the teachings of Metzler because Metzler teaches that it is old and well known in the contact management art that clients interests and important notes on the client are maintained (Para 14). Companies that are explicit in communicating how their business operates expect outside sales representatives to conform to their requirements in order to make business transactions easier to execute. As such, sales representative that respect the businesses desires will receive the bulk of the sales since they understand and conform to the requirements, therefore, doing business with a customer the way the customer wants business to be conducted shows a level of respect to the customer that leads to mutual benefit.

Claim 32 substantially recites the same limitations as that of claim 31 with the distinction of the recited method being a system. Hence the same rejection for claim 31 as applied above applies to claim 32.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS

JGS 12-14-2005

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